

Photo courtesy San Juan County  
A shed built in 2008 stands on the alpine tundra above Animas Forks. It's owner now wants to build a large home nearby, but county commissioners rejected that plan.

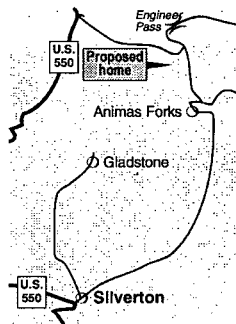
## County sued for rejecting big home on the tundra

### Dan Lemkuil of Houston filed the lawsuit Aug. 16 in San Juan County District Court

The owner of a high-alpine mining claim near Mineral Point has filed a lawsuit against San Juan County over the county commissioners' rejection of his plan to build a 4,800-square-foot home on the tundra.

Dan Lemkuil of Houston filed the lawsuit Aug. 16 in San Juan County District Court. He claims the county board "exceeded its jurisdiction and abused its discretion" by rejecting the land-use application which, Lemkuil claims, was in compliance with the San Juan County Code.

The proposed home on the 8.8-acre Fannie Grigsby Lode mining claim drew wide criticism among local residents. The county commissioners rejected the proposal July 14. The county commissioners subsequently instituted a moratorium on approving land-use permits on the high alpine tundra pending development of more specific



guidelines.

Under the county land-use code, mining is a land-use by right, but all other uses are subject to review.

In an Aug. 17 answer to the lawsuit, County Attorney Paul Sunderland said the county denies all allegations in the lawsuit. And he disputed Lemkuil's characterization of the "lodge he proposed to construct which was to contain nearly 5,000 square feet of floor space as a 'cabin.'"

Sunderland also said Lemkuil

failed to submit a complete application and the application was "deficient in innumerable ways, many if not all of which were explained to (the) Plaintiff."

Sunderland said Lemkuil, who attended two hearings on the matter, should be "well aware of these innumerable reasons supporting the denial of his request for a Special Use Permit, despite his 'assertion of ignorance.'"

1260645 - R8 SDMS

**Silverton Farmer's Market Tuesdays**  
2:00-5:00 pm

**Keep it Fresh Silverton!**



Market open rain or shine!  
Enjoy the Best of Summer  
with melons, fresh peaches,  
tomatoes, & much more

**Come Join us!**

\*bulk items may be  
available at a discount



**Happy Labor Day!!**  
**LIVE MUSIC**  
**Friday & Saturday Evening**

**Congratulations**  
**Ice Pick Ale GOLD MEDAL**  
**Colorado State Fair**

**Jack Ten High LIVE Sept. 24th**

## Silverton GROCERY

717 Greene Street Silverton Colorado 81433

Phone: 970-387-5652

Winter Store Hours:

7:00 a.m. - 8:00 p.m.

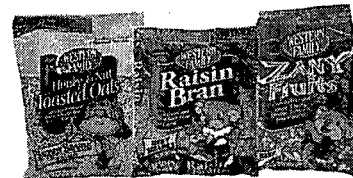
7 Days A Week

Prices Effective

August 31-September 6, 2011

Western Family  
28-32 oz. Bag Asst.  
**Cereal**

**\$2.99**



*The Velvet Lounge*

**Friday**  
**Golden Oldies with**  
**Mike Geryak**  
**7:00-9:00 pm**

**Coming soon:**  
**The Silverton Standard 2012 calendar!**

**Mother Kluckers DINNER!**

**Friday & Saturday**

**at 5:00 pm**

**Shrimp Alfredo!**

**Steak Au Poivre!**

**Beer Battered Cod**

**& Much More!**

**Breakfast Everyday**

**at 6:30 am**

**Palisade Peach**

**Pancakes!**

**116 S. 12th St**

**(next to the bank)**

**970-387-5585**

**Shasta Root Beer**

Shasta 12 pk.  
12 oz. Cans Asst.  
Soda Pop **2\$5**

Kraft 18 oz. Asst.  
(Excludes Bull's-Eye)  
Barbecue Sauce **4\$5**

5.71-6.73 oz. Asst.  
(Excludes Fat Free)  
Pringles **3\$5**

Kraft 14-16 oz.  
Pourable Asst.  
Salad Dressings **2\$5**

Western Family  
24 oz. Squeeze  
Bottle Mustard **99¢**

Hershey's 6  
Pack Tray Milk,  
Chocolate Regular  
Chocolate Bars **\$3.99**

Western Family  
32 oz. Unsweet  
Down of 36 oz.  
Regular Bottle  
Ketchup **\$1.39**

Kool Aid Jammers  
or Capri Sun  
10 pk. Asst.  
Pouch Drinks **2\$5**

Solo 15-50 ct.  
Select Varieties  
Plates, Bowls  
or Cups **\$2.79**



Photo courtesy San Juan County  
A shed built in 2008 stands on the alpine tundra above Animas Forks. It's owner now wants to build a large home nearby, but county commissioners rejected that plan.

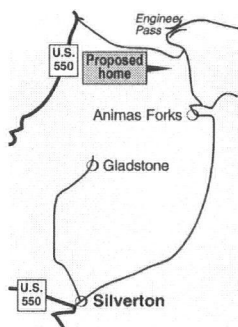
## County sued for rejecting big home on the tundra

### Dan Lemkuil of Houston filed the lawsuit Aug. 16 in San Juan County District Court

The owner of a high-alpine mining claim near Mineral Point has filed a lawsuit against San Juan County over the county commissioners' rejection of his plan to build a 4,800-square-foot home on the tundra.

Dan Lemkuil of Houston filed the lawsuit Aug. 16 in San Juan County District Court. He claims the county board "exceeded its jurisdiction and abused its discretion" by rejecting the land-use application which, Lemkuil claims, was in compliance with the San Juan County Code.

The proposed home on the 8.8-acre Fannie Grigsby Lode mining claim drew wide criticism among local residents. The county commissioners rejected the proposal July 14. The county commissioners subsequently instituted a moratorium on approving land-use permits on the high alpine tundra pending development of more specific



guidelines.

Under the county land-use code, mining is a land-use by right, but all other uses are subject to review.

In an Aug. 17 answer to the lawsuit, County Attorney Paul Sunderland said the county denies all allegations in the lawsuit. And he disputed Lemkuil's characterization of the "lodge he proposed to construct which was to contain nearly 5,000 square feet of floor space as a 'cabin.'"

Sunderland also said Lemkuil

failed to submit a complete application and the application was "deficient in innumerable ways, many if not all of which were explained to (the) Plaintiff."

Sunderland said Lemkuil, who attended two hearings on the matter, should be "well aware of these innumerable reasons supporting the denial of his request for a Special Use Permit, despite his 'assertion of ignorance.'"

1260645 - R8 SDMS

**Silverton Farmer's Market Tuesdays**  
2:00-5:00 pm

**Keep it Fresh Silverton!**



Market open rain or shine!  
Enjoy the Best of Summer  
with melons, fresh peaches,  
tomatoes, & much more

**Come Join us!**

\*bulk items may be  
available at a discount



**Happy Labor Day!!**  
**LIVE MUSIC**  
**Friday & Saturday Evening**

**Congratulations**  
**Ice Pick Ale GOLD MEDAL**  
**Colorado State Fair**

**Jack Ten High LIVE Sept. 24th**

## Silverton GROCERY

717 Greene Street Silverton Colorado 81433

Phone: 970-387-5652

Winter Store Hours:

7:00 a.m. - 8:00 p.m.

7 Days A Week

Prices Effective

August 31-September 6, 2011

Western Family  
28-32 oz. Bag Asst.  
**Cereal**

**\$2.99**



Shasta 12 pk.  
12 oz. Cans Asst.  
Soda Pop

**2\$5**

Kraft 18 oz. Asst.  
(Excludes Bull's-Eye)  
Barbecue  
Sauce

**4\$5**

5.71-6.73 oz. Asst.  
(Excludes Fat Free)  
Pringles

**3\$5**



Kraft 14-16 oz.  
Pourable Asst.  
Salad  
Dressings

**2\$5**

Western Family  
24 oz. Squeeze  
Bottle  
Mustard

**99¢**

Hershey's 6  
Pack Tray Milk  
Chocolate Regular  
Chocolate Bars

**\$3.99**

**\$3.99**



Western Family  
32 oz. Upside  
Down or 36 oz.  
Regular Bottle  
Ketchup

**\$1.39**

Kool Aid Jammers  
or Capri Sun  
10 pk. Asst.  
Pouch Drinks

**2\$5**

Solo 15.50 ct.  
Select Varieties  
Plates, Bowls  
or Cups

**\$2.79**

**\$2.79**



Western Family  
32 oz. Upside  
Down or 36 oz.  
Regular Bottle  
Ketchup

**\$1.39**

Kool Aid Jammers  
or Capri Sun  
10 pk. Asst.  
Pouch Drinks

**2\$5**

Solo 15.50 ct.  
Select Varieties  
Plates, Bowls  
or Cups

**\$2.79**

**\$2.79**

*The Velvet Lounge*

Friday  
Golden Oldies with  
Mike Geryak  
7:00-9:00 pm

Coming  
soon:  
The Silverton  
Standard 2012  
calendar!

### Mother Kluckers DINNER!

Friday & Saturday  
at 5:00 pm

• Shrimp Alfredo!  
• Steak Au Poivre!  
• Beer Battered Cod  
& Much More!

Breakfast Everyday

at 6:30 am

Palisade Peach  
Pancakes!

116 S. 12th St  
(next to the bank)  
970-387-5585

## FOR THE RECORD

**San Juan County Sheriff's Office blotter**

**Aug. 22** — Credit card theft and fraud was reported. A disturbance was reported, all was quiet when the officer arrived.

**Aug. 23** — Several motorists were assisted.

**Aug. 24** — Two motorists were assisted. A citizen was assisted.

**Aug. 25** — A warning was issued for speeding. Two motorists were assisted. An overdue hiker was reported and they soon returned on their own.

Three citizens were assisted.

**Aug. 26** — Two citizens were assisted.

**Aug. 27** — Nine citizens were assisted. Two warnings were issued for speeding. Seven parking warnings were issued. Two OHV warnings were issued. A family was assisted in looking for a lost subject in town.

**Aug. 28** — An assault was reported. A warning was issued for speeding. Three citizens were assisted. Investigated and ATV accident on the Alpine Loop.

**BRIEFS, from Page 1**

who are unable to attend the entire event or are simply curious about llamas and the sport of llama packing, the Saturday registration option is an inexpensive way to learn from well-respected llama packing experts while also enjoying a day of unique and entertaining family fun!

**Field trip to remediated mine sites Sept. 16**

The Animas River Stakeholders Group is sponsoring a tour of remediated mine sites in the Mineral Creek and Cement Creek drainages on Friday, Sept. 16.

"We will also look at some of the issues around Gladstone, said coordinator Peter Bulter of Durango.

"We plan to meet at the large pullout on the west side of the highway, south of Chattanooga near Red Mountain Pass at 8:30 a.m."

The tour will be all day. "Please let me know if you are interested in participating so we have a head count, and we may order lunches," Bulter said. He can be reached at 970-259-0986.

"We will need four-wheel

drive vehicles, preferably with short wheelbases," Bulter said. "We want to fill those 4-wheel drives to minimize the number of vehicles going on the tour."

**Montanya Distillers moves to Greene St.**

Montanya Distillers, Silverton's popular rum bar, is moving from its current location on Blair Street in Silverton at the end of September, to a new spot on Greene Street. After a period of renovation, a unique partnership of Mobius Coffee and Montanya Distillers will together re-open in Mobius' current space at 1309 Greene.

Montanya Distillers opened in Silverton in November 2008, and has grown to be very popular with locals and visitors alike. "This new location is an incredible opportunity for Montanya," said company president Karen Hoskin. "We have great trust in the Berenyls, who own the building, and in Megan Kimmel, owner of Mobius Coffee."

Montanya recently moved its headquarters and distilling operations to Crested Butte, and has opened a tasting room there.

## MOUNTAIN HAPPENINGS

**Sept. 10-11**

• **Colorfest Quilt Show**, Town Hall.

**Monday, Sept. 12**

• **Silverton Town Council**, 7:30 p.m., Town Hall.

**Tuesday, Sept. 13**

• **Silverton school board**, 5 p.m., high school room.

**Wednesday, Sept. 14**

• **San Juan County Board of Commissioners**, 6:30 p.m., County Courthouse.

**Saturday, Sept. 17**

• **Chamber music festival concert**, 7 p.m., First Congregational Church.

**Sept. 22-25**

• **Silverton Llama Pack Festival**, Kendall Mountain Recreation Area.

**Ongoing**

• **Mike Geryak, Silverton's King of Rock and Roll**, at the Velvet Lounge, Fridays, 7-9 p.m.

• **San Juan County Historical Society Archive** — Regular hours on Tuesdays and Thursdays, 9 a.m. to noon.

• **Blair Street First Friday Shop Walk**. Every first Friday of the month July through October, shops open 5-8 p.m., historic walking tour with Paula, Golden Oldies music at Velvet Lounge, with Mike Geryak.

• **Historical Walking Tour** with Paula Higgins, Thursdays, Fridays, Saturdays, 10 a.m. and 3 p.m., starting at Old Town Square on Blair Street between 11th and 12th streets. \$5 adults, children free. Walk a mile in an hour. Sponsored by San Juan County Historical Society.

• **Silverton Movement**

**Center: Mondays** — Pilates, 8:15 a.m.; Hatha Yoga w/Katie, 4 p.m.; Spin/circuit combo, 5:15 p.m.; **Tuesdays** — Hatha Yoga with Chris, 8:15 a.m.; belly dance I, 5:30 p.m., belly jam and drills (intermediate), 7 p.m.; **Wednesdays** — Circuit workout, 8:15 a.m.; weight training, all levels, 5:15 p.m.; **Thursdays** — Pilates (all levels), 8:15 a.m.; Hatha yoga with Chris, 5:30 p.m.; **Fridays** — Kettlebell, etc., 8:15 a.m.

• **Blair Street Historic District Association**, 9 a.m., on the first Wednesday of each month at the Villa Dallavalle.

• **Alcoholics Anonymous** meeting in Silverton. For meeting times, questions or help, call (888) 333-9649.

• **American Legion meetings**, 7 p.m. first Thursday of the month, Legion Post.

• **Silverton Threads** quilting group meets Tuesday evenings at Kendall Mountain Community Center at 7 p.m. Membership is open to all who are interested in quilting, knitting, sewing and needlework.

**Silverton Youth Center activities**

Silverton Youth Center is open from 4-9 p.m. Mondays through Thursdays, and 4-10 p.m. on Fridays and Saturdays. Closed Sundays.

Mondays — Mad Scientist, 4-5 p.m.; Tuesdays, Wednesdays — Hang Out Time; Thursdays — elementary movie, 6 p.m.; Fridays — middle school, high school movie, 7 p.m.

**Spiritual events**

• **Church of Christ**, Sundays: Bible class, 8 a.m.;

service, 9 a.m.; and Sunday evening Bible discussion, 5 p.m., (303) 257-3092.

• **St. Patrick's Catholic Church**, Father Nat Foshage, Mass at 5 p.m. on Saturdays and Wednesdays, 1005 Reese St., 325-4373

• **Church of Jesus Christ of Latter Day Saints**, President Duane Eggett, Sunday services: 9 a.m. priesthood, 10 a.m.; sacrament, 11 a.m. Sunday school, 727 Greene St., 387-5338

• **First Congregational Church of Silverton**, the Rev. Cynthia H. Chertoss, Sunday service 9 a.m. Discussions for the spiritual journey, 7 p.m. most Monday evenings at the parsonage. All are welcome. E-mail, chchertoss@aol.com. Web site: www.silvertonchurch.org.

• **Church on the Hill**, Pastor Mark Lawson, Sunday services 9 a.m. Bible study; 10:15 a.m. regular service, Thursday night prayer/fellowship 7 p.m.; Spanish language service, 6 p.m. Saturdays, 1105 Snowden St., 387-5215

• **Word of Life Fellowship**, Pastor Jim Greenfield, Sunday service starts at 10 a.m., 1706 Empire St. 387-5893.

• **Community prayer breakfast**, 7 a.m. Mondays, Kendall Mountain Cafe.

**Send us your 'Happening'**

Got somethin' goin' on?

Contact the *Silverton Standard*. Phone 387-5477 or e-mail editor@Silvertonstandard.com

## FOR SALE BY OWNER

Majestic views. Fishing. Hiking. Skiing. ATV & Snowmobile out the back door!



- On Country Road 2 (across from Mayflower Mill)
- Home sites on each approved lot, all season access
- Approx. 4.78 and 3.15 acres
- Electric and water on site
- \$129,500 and \$99,500

Call Lawrence At 325-669-6460

**Want to Help?**  
interested in becoming an

**EMT?**



if interested  
Contact Kyle or Tiffany  
970.387.5887

**LETTERS, from Page 2**

matter of paperwork and voter approval.

I'm here if this is wanted. Yep, a petition is probably going to be required, but once set into motion, verification of qualified voters is all the first stage requires. Once this is in place, the EMS system will no longer have to go hat in hand every year to the county and the town — done deal. And the taxes are spread. There is a cap on the taxes, but our humble little community in Buda, Texas purchased two ambulances, built a building with sleep rooms, a small kitchen, and had state-of-the-art advanced support and supplies with standing orders for every thing we carried.

A truck with a ladder shouldn't be a problem.  
Michael Bertch, Silverton

**Superfund: A lion in sheep's clothing?**

Editor;

As a frequent visitor to Silverton over the past 27 years, I've grown very attached to the area. My wife and I (and now my 11-year-old son) all enjoy staying in Silverton during our summer vacations.

So, it is with earnest concern that I write in response to reading about the Superfund update

in the *Standard* (just received in the mail today). It doesn't take a rocket scientist to see that something must be done to clean up Cement Creek; but, good sustainable solutions seem elusive.

And, while some may say that the federal funding that comes with the Superfund designation provides the ideal solution to an expensive problem, I would like to urge extreme caution.

I suspect that Silverton Ski Area owner Aaron Brill (and others) are correct: There is a great price that must be paid along with receiving that funding. Superfund site designation carries the potential of a very serious stigma and all that entails.

I don't hold myself out as a Superfund expert. Instead, I can only suggest an approach similar to what I suggested in connection with coming up with a comprehensive economic development plan for the community about a year ago: talk with other communities that have already been through the experience.

The feds should be able to provide the community with good contacts with other community leaders and related organizations that they've worked with under similar circumstances.

A community-based focus group should conduct in-depth discussions with these contacts. What happened in their communities following the Superfund designation?

How did it impact their businesses? Their property values? Tourism? How did the federal planning/rehabilitation unfold over time? What discretion did the community continue to have throughout the process? What controls did the feds exert over the processes that were undertaken? How long did it take in their case to "recover"? etc...

I believe that only by conducting in-depth investigations into the experiences of other communities that have gone through the Superfund designation can Silverton make an informed decision about what path it should take.

And, only through such discussions, correspondence and meetings with others can Silverton decide whether the Superfund designation may, in fact, constitute a lion in sheep's clothing.

I also wonder at the end of the day: How long will the feds stand by and let the conditions worsen?

Sincerely,  
Lon Baugh  
Dallas, Texas